

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

United States of America,)
Plaintiff,) 4:00-cr-00739-CWH
vs.)
Kiera Yvonne Sessions,)
Defendant.)
_____)

On February 8, 2001, the defendant pled guilty to conspiracy to distribute marijuana in violation of 42 U.S.C. §841(a)(1). On August 27, 2001, the Court sentenced the defendant to three years probation. On September 21, 2006, the defendant moved *pro se* to expunge her record so that she can obtain gainful employment. As a *pro se* litigant, the defendant is entitled to a liberal construction of her pleadings. Haines v. Kerner, 404 U.S. 519, 520-21 (1972).

Congress has not expressly granted to the federal courts a general power to expunge criminal records. In criminal proceedings, a district court has ancillary jurisdiction to expunge criminal records. United States v. Cromwell, 374 F.3d 790, 793 (4th Cir. 2004). This jurisdiction flows out of the congressional grant of jurisdiction to hear cases involving offenses against the United States pursuant to 18 U.S.C. §3231. Id.

A district court's ancillary jurisdiction is limited to expunging the record of an unlawful arrest or conviction or to correcting a clerical error. *Id.* (*citing United States v. Sumner*, 226 F.3d 1005, 1014 (9th Cir. 2000)). A district court lacks jurisdiction to expunge a record of a valid arrest and conviction solely for equitable considerations because the expungement of the

record of a valid arrest and conviction usurps the powers that the framers of the Constitution allocated to Congress, the Executive, and the states. Id. The defendant does not claim that she was unlawfully arrested or convicted or that a clerical error was made.

The defendant's motion is denied.

AND IT IS SO ORDERED.



C. WESTON HOUCK
UNITED STATES DISTRICT JUDGE

October 16, 2006
Charleston, South Carolina